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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,382	01/23/2004	Mikael Kjellman	1509-1030	4476

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EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/762,382

Applicant(s)

KJELLMAN, MIKAEL

Examiner

Steven M. Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the third office action for U.S. Application 10/762,382 for a Holder for cameras filed by Kjellman on January 23, 2004. Claims 1 and 3-9 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 20, 2006 has been entered.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2-6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,283,421 B1 to Eason et al. Eason et al. discloses a holder with first, second and third arms (1 and 19,20) that are interconnected at inner ends thereof through a common, central joint device (5). There is a camera fixture (26 and 27) located on an outer end of the first arm and the second and third arms (2) form side

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arms that are axially and radially and individually pivotable in relation to the main arm and lockable in different angular positions. The side arms are of equal length and weight and there are weight elements (9) connected to the outer ends of the side arms. The first arm has two or more telescopic tubes (19 and 20) that can be locked in different axial positions in relation to each other to permit a variation of length of the main arm and the side arms also have two or more telescopic tubes (1 and 7) that are lockable in different axial positions in relation to each other for the purpose of permitting a variation of the length of the side arms. The camera fixture has a plate (26) which is connected to the outer end of the first arm through a lockable joint (5) that permits pivoting of the plate around a first axis perpendicular to the longitudinal axis of the main arm, and can permit fixation of the plate with a camera indirectly supported thereby in two different angular positions in relation to the main arm.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,027,085 to Ruther in view of Eason et al. Ruther discloses a holder for cameras with a camera fixture (3-8) attached to a tripod assembly at a joint (2). The

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camera fixture comprises first and second plates (3-8) connected to an outer portion of the tripod at the joint, and the first plate (3) can pivot around a first axis perpendicular to the longitudinal axis of the tripod. The fixture permits a fixation of the plate together with a camera directly or indirectly in two different angular positions in relation to the tripod. The fixture also permits a second plate (4) to pivot around a second axis perpendicular to the first axis, the second plate being lockable in different angular positions in relation to the first plate and having means for attachment of a camera.

Ruther does not disclose an arm arrangement as disclosed in claims 1-6. However, Eason et al. discloses such an arrangement as discussed above in the 102 rejections of claims 1-6. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a tripod and support assembly such as the one taught by Eason et al., as the tripod for the support taught by Ruther, for the purpose of providing a support that can be folded into a storage position.

### ***Response to Arguments***

Applicant's arguments filed April 20, 2006 have been fully considered but they are not persuasive. Applicant argues that the arms (1) of Eason et al. are not "individually pivotable". However, each arm taught by Eason is pivotable in the axial plane relative to the first arm about an axis that is perpendicular to the central axis. Also, as disclose in column 7, lines 13-17, the arms are individually and independently pivotable about the axis.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

*SM*

Steven M. Marsh

June 20, 2006

  
KIMBERLY WOOD  
PRIMARY EXAMINER